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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/703,979	11/07/2003	Bruce A. Bassett	BASSETT 001	2843

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EXAMINER

CHAU, COREY P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/703,979

Applicant(s)

BASSETT, BRUCE A.

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8, 10-14, 16, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0138113 to Han.

3. Regarding Claim 1, Han disclose an integrated, one-way audio delivery system comprising: a generator for initiating an audio signal (110); a delivery conduit (130) for routing said signal; and an output device (i.e. toy) (Fig. 2) remote from both the generator and the conduit, comprising a speaker (220), a passive receiver antenna (210) connected to said speaker, a proximity antenna in communication with said receiver antenna within a designed range (abstract; page 1, paragraph 0001), the proximity antenna comprising a connection to said conduit (Fig. 2).

4. Regarding Claim 2, Hans discloses said generator is a professional content provider (i.e. internet) (page 3, paragraph 0040, 0046).

5. Regarding Claim 3, Han discloses said generator is non-professional content provider (page 3, paragraphs 0040-0041).

Art Unit: 2644

6. Regarding Claim 4, Han discloses the conduit comprises an internet site for storing said audio signal and a consumer computer connected to said site for downloading said audio signal (page 3, paragraph 0040, 0046).

7. Regarding Claim 8, Han disclose the output device is a comfort device (i.e. toy) (Fig. 2).

8. Regarding Claim 10, Han discloses an integrated, one-way audio delivery system comprising: a generator for initiating an audio signal (110); a delivery conduit (130) for routing said signal; and an output device (i.e. toy) (Fig. 2) remote from both the generator and the conduit, comprising a comfort device (i.e. toy) (Fig. 2) which comprises a speaker (220) and a passive receiver antenna (210) connected to said speaker (Fig. 2); and a proximity antenna (130) in communication with said receiver antenna (210) within a designed range (abstract; page 1, paragraph 0001), the proximity antenna comprising a connection to said conduit (Fig. 2).

9. Regarding Claim 11, Han discloses the generator is selected from a group consisting of a related individual, a professional individual, an internet site, a radio broadcast, a television broadcast, an mp3 player, and a cd (Fig. 2; page 3, paragraph 0040).

10. Regarding Claim 12, Han disclose the comfort device is selected from a group consisting of a pillow, doll, stuffed animal, headrest, or action figure (i.e. toy) (Fig. 2).

11. Regarding Claim 13, Han disclose the comfort device further comprises a plurality of speakers (page 2, paragraph 0036).

12. Regarding Claim 14, Han discloses the comfort device includes an amplifier (page 2, paragraph 0036).

13. Regarding Claim 16, Han discloses a method of delivering audio content at a specified time and location comprising: generating an audio signal at a first location (Fig. 2) and at time 1 (100) (page 1, paragraphs 0017-0019; page 3, paragraph 0040) transmitting said signal through a series of conduits (130); receiving said audio signal from said conduits at a second location at time 2 through a passive antenna system (210) (Figs. 1 and 2, reference 200).

14. Regarding Claim 19, Han disclose the transmitting step includes a conduit that comprises a plurality of transport networks selected from a group of networks consisting of PSTN, VOIP, HTTP, FTP, television, radio, or hard-wire, sneakernet, cellular, or WI-FI 802.1x (i.e. internet, which is HTTP or FTP)(page 3, paragraph 0040, 0046).

15. Regarding Claim 20, Han discloses the generating step utilizes audio content derived from a related individual, a professional individual content provider, an internet site, a radio broadcast, a television broadcast, an mp3, and a compact disk (page 3, paragraph 0040, 0046).

16. Claims 1-2, 9-12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5179747 to Zink.

17. Regarding Claim 1, Zink discloses an integrated, one-way audio delivery system comprising: a generator for initiating an audio signal (i.e. television)(Figs. 6 and 7); a delivery conduit (i.e. television broadcasting) for routing said signal; and an output

device (11) remote from both the generator and the conduit (Figs. 6 and 7), comprising a speaker (18), a passive receiver antenna (17) connected to said speaker (Fig. 5), a proximity antenna (19) in communication with said receiver antenna (Fig. 7) within a designed range, the proximity antenna comprising a connection to said conduit (i.e. it is inherent that the television is connected to said conduit to receive video and audio).

18. Regarding Claim 2, Zink discloses said generator is a professional content provider (i.e. television broadcaster).

19. Regarding Claim 9, Zink discloses the conduit comprises a plurality of transport networks selected from a group of networks consisting of PSTN, VOIP, HTTP, FTP, television, radio, hard-wire, sneakernet, cellular, or WI-FI 802.1x (i.e. television and radio) (Fig. 7).

20. Regarding Claim 10, Zink discloses an integrated, one-way audio delivery system comprising: a generator for initiating an audio signal (i.e. television)(Figs. 6 and 7); a delivery conduit for routing said signal (i.e. television broadcasting); and an output device (11) remote from both the generator and the conduit (Fig. 7), comprising a comfort device (11) which comprises a speaker (18) and a passive receiver antenna (17) connected to said speaker (Fig 5); and a proximity antenna (9) in communication with said receiver antenna (17) within a designed range (Fig. 7), the proximity antenna comprising a connection to said conduit (i.e. it is inherent that the television is connected to said conduit to receive video and audio).

21. Regarding Claim 11, Zink discloses the generator is selected from a group consisting of a related individual, a professional individual, an internet site, a radio

broadcast, a television broadcast, an mp3 player, and a cd (i.e. radio broadcast and television broadcast)(Fig. 7; abstract).

22. Regarding Claim 12, Zink discloses the comfort device is selected from a group consisting of a pillow, doll, stuffed animal, headrest, or action figure (Fig. 3).

23. Regard Claim 15, Zink discloses the comfort device is a durable pillow capable of withstanding repeated abuse (abstract; column 1, lines 51-63).

24. Claims 1, 5, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0003051 to Krzyzanowski et al. (hereafter as Krzyzanowski).

25. Regarding Claim 1, Krzyzanowski discloses an integrated, one-way audio delivery system comprising: a generator for initiating an audio signal (Fig. 1; page 2, paragraphs 0035 and 0038); a delivery conduit for routing said signal (Fig. 1); and an output device (112,118) remote from both the generator and the conduit (Fig. 1), comprising a speaker (page 3, paragraph 0050; page 5 and 6, paragraph 0079), a passive receiver antenna (page 3, paragraph 0050) connected to said speaker, a proximity antenna (Figs. 1 and 4A-B; page 3, paragraphs 0045 and 0047) in communication with said receiver antenna within a designed range (Figs. 4A-4B), the proximity antenna comprising a connection to said conduit (Fig. 1).

26. Regarding Claim 5, Krzyzanowski discloses the conduit comprises a local network for receiving said audio signal and a server for storing said audio signal (page 4, paragraph 0054).

Art Unit: 2644

27. Regarding Claim 6, Krzyzanowski discloses the local network is a PSTN network (page 6, paragraph 0080).

28. Regarding Claim 7, Krzyzanowski discloses the local network is a VOIP network (page 3, paragraph 0043; page 4, paragraph 0058).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0138113 to Han.

31. Regarding Claims 17 and 18, Han does not expressly disclose time 1 equals time 2 or time 1 precedes time 2. However it would have been obvious to one having ordinary skill in the art that the user can adjust these parameters on the computer by initiating when an audio signal should be outputted.

Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 21, 2005


XU MEI
PRIMARY EXAMINER